



Step Up Migrant Women UK

Submission to House of Commons Home Affairs Select Committee Inquiry into Domestic Abuse

July 2018

About Step Up Migrant Women UK

Step Up Migrant Women UK (SUMW) is a BAMER women-led campaign which aims to secure safe reporting mechanisms for victims of crime with insecure immigration status.

The campaign was set up by the [Latin American Women's Rights Service](#) (LAWRS) and is supported by over 30 organisations from the women and migrant sectors.

For more information, please visit www.stepupmigrantwomen.org, or contact Illary Valenzuela, LAWRS Policy and Communications Coordinator (VAWG) at illary@lawrs.org.uk

Introduction

The current Domestic Violence and Abuse Bill fails to protect BME and migrant women who are victims of domestic and sexual abuse. Migrant women with insecure immigration status experience multiple layers of abuse and barriers to exit situations of violence. It is imperative that this Bill recognises this and puts forward measures to protect the rights of migrant women to access support and justice.

Migrant women who report crimes often face a two-tier system whereby women with insecure immigration status are unable to access protection and justice, enabling abusers to use 'hostile environment' policies to exert power and control over their victims. When migrant women do report crime they are often questioned as immigration offenders by the police. Step Up Migrant Women would like to see a Bill which is inclusive of the situation of migrant victims and which ensures that the most vulnerable in society are protected.

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?



a) Immigration status is used as a tool for control and abuse

As highlighted in the Home Office's 'Controlling or Coercive behaviour in an intimate or Family Relationship Statutory Guidance Framework', women with insecure migrant status often report perpetrators use their legal status to exert abuse and control by threatening them with deportation. In numerous instances perpetrators control visa application processes and file applications, providing women with false updates, controlling finances and communication with lawyers.

A [survey study](#) with 183 women with insecure migrant status found that 92% stated that they received threats of deportation from perpetrator. The Bill however, does not offer secure avenues of practical support and justice for women in this situation. This Bill must recognise the gendered and intersectional nature of abuse and exploitation experienced by migrant women. SUMW campaign has gathered cases of unreported crime due to fear of detention by authorities, these are high risk cases. Example:

***KB (LAWRS service user)**, came to the UK in 2009 from Bolivia with a 6-months student visa. She met her partner and lived with him for 2 years with their two daughters. She became a victim of emotional and psychological abuse. KB did not report to social services and the police out of fear of her daughters being taken away and of being deported. Her ex-partner threatened with deportation. This caused her anxiety leading to suicide attempts, including drinking bleach at one point. She was denied refuge because of her immigration status and has continued to live with the perpetrator in the same house. She is currently supported by LAWRS VAWG team and an immigration lawyer.*

b) Safety and justice before immigration control

Victims fleeing an abusive situation to report abuse [are more likely](#) to be harmed or murdered by their perpetrator. However, recent [Freedom of Information requests](#) found that from 45 police forces around England and Wales, 27 responded that the police had shared victims' details with the home office for immigration control purposes and only three responded that they did not hand over victims' information. The rest of the forces responded with neither a yes or no, or they did not have any information to respond. These figures show that there are no clear rules or guidance resulting in the inconsistency in practice of police officers, where victims are often questioned, disbelieved, detained and deported because of their potential immigration offense. These practices result in victims being reluctant to come forward due to lack of trust in the police. The SUMW campaign has gathered more than 15 cases where migrant women have been subject to immigration control as they approached the police to report abuse. One of the cases is presented below:

RA, London Black Women's Project case: RA approached LBWP because she was experiencing DV and she had come to the UK on a spousal visa. Examples included restrictive movement, financial control, keeping one twin at home while she was out with the other twin to ensure she would not flee the home, verbal, emotional and physical abuse. The perpetrator also used her immigration status against her telling her that if she phoned the Police then she would be arrested and deported. He also said the court would award the children to him because she had no money and could not speak English.



The police told her she had no rights in the UK because she was illegally remaining in the country.

At one point, she believed her husband has made an application to the HO but didn't pay the fee. Her husband refused to tell her what application he had made. After one incident LWBP advised that she contact the Police. The Police said that they were not sure who the perpetrator was and who the victim was because after interviewing the husband, he told them that she was an overstayer. This suddenly became an immigration case and not a DV case.

The Bill must be in line with the [Human Right Act \(1998\)](#), ensuring the protection of victims' rights by complying with articles 2, 3, 4, 8 of the Act to uphold the duty of public safety to all victims of domestic violence and prevention of serious crime. The police should comply with their duty to prevent serious harm and crime and prosecute perpetrators of this violence. 1. This Bill should therefore establish a "firewall" between public services and immigration control policy to ensure protection of women is being placed above immigration enforcement. 2. Placing safe-reporting mechanisms in police practice and putting an end to data-sharing policies when victims approach the police.

It is paramount for the public safety of women that victims are recognised in the safety plans done by the police, following the [College of Policing](#) guidance, where the vulnerability of victims are prioritised.

c) Provide immediate support and refuge for No Recourse to Public Funds women

The barriers for migrants with insecure status fleeing from domestic violence can be alleviated. We support [Southall Black Sisters'](#) call to abolish the NRPF category for all victims of domestic violence. By allowing these victims, and subsequently their children, to access shelter when fleeing from domestic violence they will no longer be forced to endure violence and further harm. Secondly, the additional barriers that particularly affect migrant women should be removed so that practice truly aligns with the statutory guidance and rules of safeguarding all victims. Training for police forces and statutory services should be obligatory in order to increase the awareness of the impact of having an insecure immigration status in relation to:

- A language barrier, issues around accessibility and need for interpreting
- Underreporting in crime due to their immigration status giving impunity to perpetrators
- Lack of knowledge of the system,
- Lack of trust in the police (related to negative experiences with the police either in victims' countries or origin or in the UK)
- Lack of knowledge of circumstances of migrants around the criminalisation of the immigration status
- Lack of trust in the police when acting as immigration officers / and the lack of safe reporting for migrant victims accessing the CJS.
- Expanding the Destitution Domestic Violence (DDV) Concession to ensure it is accessible to all migrant women - to ensure they can access housing and benefits.
- Provision of additional financial support to refugees and other domestic abuse services to support women with insecure immigration status and NRPF.
- improving involvement of foreign spouses in the visa application process, ensuring that they understand their rights and where to go to access help and support.
- Ensuring foreign spouses can access information about their partner's previous marriages, or where their partner has supported any previous spousal visa applications, through the visa application process
- Improving the assessment and response to curtailing spousal visas for foreign spouses when a partner claims that a marriage has ended due to domestic abuse.

